

ally incident to the protection of its jurisdiction.

WORD TO SAY ABOUT "THIS KIND OF OBSTRUCTION."

"If this kind of obstruction should be continued, and that the rights guaranteed them by the Constitution of the United States, then this provision of the Constitution would become a dead letter, as there would be no means of enforcing them."

"When the motion for an interlocutory injunction was made in these cases, there was full argument before me by counsel representing the complainant and by counsel representing the defendants, the members of the Corporation Commission, the Attorney-General and the Assistant Attorney-General of North Carolina."

"This argument lasted over several days, and covered all points at issue. Upon this argument and my consideration of the case I entered the interlocutory injunctions."

"On a subsequent occasion the matter was again presented to me on the trial of a writ of habeas corpus. I then delivered a written opinion which states my views of the law. I feel no doubt as to the soundness of these views, as for the jurisdiction of this court, nor its right and duty to enter the interlocutory decree, nor, in order to protect the jurisdiction of this court, to discharge on habeas corpus the persons who had been arrested by the State authorities in compliance with the orders of this court."

"As the defendant failed to appeal from the order of this court awarding the said interlocutory injunctions, nothing remained except for this court to pursue the orderly consideration of the cases, and move forward to its jurisdiction and its processes when action on its part was lawfully invoked. The court still considers that it would be its duty to continue this protection whenever its action in the premises should be thus lawfully invoked."

"But as the complainants, for the protection of whose rights the interlocutory decrees were entered, now move the court permission to surrender the protection of said order, to the extent indicated in their respective petitions, there is nothing for the court to do except to grant the permission prayed."

"DIRECTS EFFORTS TO OTHER ROADS"

Governor Glenn Notifies L. and N. and C. and N. That He Will Enforce New Law.

RALEIGH, N. C., July 29.—Governor Glenn is preparing, if necessary, to take action against the Carolina and Northwestern and the Louisville and Nashville Railroad Companies, with a view to compelling them to put into effect the 2-1-4-cent passenger rate, just as the Southern and Atlantic Coast Line have agreed to do. The Louisville and Nashville, having a line from Murphy to the Georgia line, and the Carolina and Northwestern, from Chester, S. C., to Lenoir, procured injunctions from Judge Pritchard, just as the Southern and Coast Line did. Governor Glenn today sent the following telegram to the head officials of each of these roads:

"The Southern and Coast Line Railroad have agreed that the rate of 2-1-4 cents, fixed by the Interstate Commerce Commission, go into effect August 8th. Will your road also comply with the law and adopt the rate on that day? Please answer to the effect that you will, or to the contrary. If you fail to answer, I may be compelled to recognize the law, I may be compelled to recognize the law as to me seems right."

Glenn's Letter to Public.

The Governor handed to the members of the press this morning the following address to the public:

The General Assembly, at its last session, passed a law regulating passenger rates, the same to go into effect July 17, 1907. Before that day the Southern and the Atlantic Coast Line, through the Circuit Court of the United States, enjoined the Corporation Commission and the Attorney-General from putting the law into effect. I commenced to prepare a letter to the judges and an address to the people, when, on July 8th, the Hon. E. L. Sanford, one of the ablest and most conscientious judges in the State, of his own motion, hastened action by boldly and ably charging the grand jury of Wake county that it was its duty to immediately indict the railroads for violating the rate law.

At once I assured Judge Long of my hearty approval of his righteous stand and my intention to assist him in upholding the law. My letter was forwarded to the other judges, and indictments were made in Wake and other counties. Many penalty suits were also commenced against the railroads by private individuals.

The railroads then applied to the Circuit Courts to enjoin all private persons against bringing penalty suits and to take the persons arrested and convicted in the State courts, and to the Circuit Courts by writ of habeas corpus to the Federal court. Believing this was not warranted by the Constitution and laws, I resisted in every legal way; directed the State's attorney to appeal from such action, and requested the State courts to continue to enforce the law. This brought up a direct conflict between the State and the Federal courts, and I was under the necessity of not, under my oath, avoid.

At this crisis Assistant Attorney-General Sanford, representing the State, came to see me to try and adjust all differences. I told him that under the Constitution I could not attempt to annul a State law, but if the railroads would obey the State law and let the immediate penalty suits and all minor details be adjusted, at his request I put my ultimatum in writing and published it. Nothing was to be done unless the railroads accepted the State's proposition, the rate law to become effective.

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## "Berry's for Clothes"



"Come on—what's afraid."

Don't put your faith or your body into a cheap bathing suit. The camera fiend is always present and there might be an over exposure.

Here are respectable, responsible, reliable trunks, swimming and bathing suits, \$1.00 to \$5.00. Boys', \$0.50 to \$1.00.

All the things for the shore, too.

O. A. Berry & Co.

Men's and Boys' Outfitters

201 N. 1st St., Richmond, Va.

Phone 1000

Established 1880

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## WILL NOT DISCUSS THE VIRGINIA CASE

Officials of Department Refuse to Talk on the Rate Situation.

### SWANSON'S FIERY STATEMENT

His Declaration Read With Interest—North Carolina Case Up in October.

BY WALTER EDWARD HARRIS.

WASHINGTON, D. C., July 29.—The officials of the Department of Justice refuse to discuss the prospects of a struggle between State and Federal authority in Virginia growing out of the order of the Corporation Commission fixing charges for transportation of passengers on five railroads at two cents a mile. An official said today that for reasons which prevented their discussing the North Carolina fight at any stage, they could not discuss the Virginia situation, since the same conflict between Judge Pritchard's court and State officials might arise.

Although the cases of the two States are essentially different, the final phases of the struggles promise to be the same, assuming that there will be a struggle in Virginia. The statement of Governor Swanson was evidently read with interest at the department, although it was not possible to discuss anybody to comment upon the fiery, if somewhat belated declaration of the Governor on the subject, and his advice to the commission to violate the order of the Federal court and go to jail.

An Illustrative Anecdote.

The jail proposition for members of the commission created some amusement among the officials of the department. A story of Hon. W. P. Barksdale, a member of the commission, was told. He had an appointment to speak at a remote point in the Clinch River district counties. Before the day arrived there was a small-sized riot and several Democrats were killed. It was charged that Republicans incited the riot for the purpose of intimidating Democrats. Mr. Barksdale and two or three Democrats at the safe distance of a hundred miles or so were discussing the subject of the appointment and the wisdom of Senator Barksdale's appearing in accordance with the promise of the Democratic committee to give the voters the pleasure of hearing him on that date.

The fact that Republicans incited the riot for the purpose of intimidating Democrats, Mr. Barksdale and two or three Democrats at the safe distance of a hundred miles or so were discussing the subject of the appointment and the wisdom of Senator Barksdale's appearing in accordance with the promise of the Democratic committee to give the voters the pleasure of hearing him on that date.

"Go ahead, Barksdale," he exclaimed; "go ahead. If you go there, they will surely kill you, it would defeat your sure, sir. It would defeat him sure."

Barksdale's face was a study. "Maybe it would," he drawled, "but I'll be Jeremiah if I want to play pascual lamb for anybody."

Corollary Case First.

The Supreme Court of the United States does not sit until October. There are several cases of importance already on the docket, so that it may not be possible to advance the Virginia case very great.

The North Carolina case will be ready for hearing at that time, and will probably have the right of way over the Virginia case. It is made up by that time. The West Virginia case is on the docket for the October term.

It was intimated to the Times-Dispatch correspondent today that legality of the order of Judge Pritchard, restraining the Corporation Commission from publishing the order for two-cent fares would be attacked, on the ground that it interfered with a suit before its conclusion. This contention would necessarily carry the assumption that the Corporation Commission is a court.

MINOR ARRESTS.

Clarence Wilson, Charged With Being Disorderly on Street Car.

Clarence Wilson was arrested last night for alleged disorderly conduct on an Oakwood street car.

George Taylor, colored, was charged with stealing \$2 from a police officer. He was arrested and locked up in the First Police Station.

Oscar Smith and Ed. McDowell were arrested for cursing and abusing each other. Both are white.

ALLEGED DOPE FIEND.

Four Officers Arrest Virginia Emanuel for Selling Cocaine.

Virginia Emanuel, colored, was arrested yesterday evening by Police men Jordan, Johnson, Jones and Werner on the charge of selling cocaine. The woman gave the officers some trouble, and it required four of them to place her under arrest.

After spending two days at the Jamestown Exposition, Mr. and Mrs. J. H. Bradley and their son, Mr. J. Lee Bradley, of Richmond, and Miss Marion C. Jones, of Manchester, have returned to their homes.

THE WEATHER

Forecast: Virginia—Fair in north, showers in south portion Tuesday; Wednesday fair; variable winds.

North Carolina—Showers Tuesday and probably Wednesday; variable winds.

CONDITIONS YESTERDAY.

Richmond weather was fair and cool. Range of the thermometer: 9 A. M. 76 6 P. M. 78 12 M. 73 3 P. M. 75 9 P. M. 72 Average 74.1-2.

Highest temperature yesterday 80. Lowest temperature yesterday 69. Mean temperature yesterday 73. Normal temperature yesterday 73. Departure from normal temperature 5.

THERMOMETER THIS DAY LAST YEAR.

9 A. M. 73 6 P. M. 75 12 M. 70 3 P. M. 72 9 P. M. 68 Average 71.2-2.

CONDITIONS IN IMPORTANT CITIES (At 8 P. M., Eastern Time).

Place. Ther. H. T. Weather. Asheville, N. C. 84 Rain. Atlanta, Ga. 82 Rain. Buffalo, N. Y. 72 Clear. Cincinnati, O. 82 Clear. Denver, Colo. 84 Clear. Detroit, Mich. 76 Clear. Hatteras, N. C. 78 Rain. Jacksonville, Fla. 80 Rain. Kansas City, Mo. 78 Rain. New Orleans, La. 84 Cloudy. Oklahoma City, Okla. 82 P. cloudy. Pittsburgh, Pa. 78 Clear. Raleigh, N. C. 78 Clear. Savannah, Ga. 76 Clear. Norfolk, Va. 74 Clear. Tampa, Fla. 82 Clear. Washington, D. C. 78 Rain. Wilmington, Del. 76 Clear. Yellowstone, Wyo. 62 Rain.

MINIATURE ALMANAC.

July 30, 1907. Sun rises 5:12. Moon rises 11:58. High tide 1:15. Low tide 7:45.

FOR SALE BY ALL DEALERS.

## TO COMMEMORATE FIRST ASSEMBLY

A. P. V. A. to Unveil Handsome Monument at Jamestown Island To-Day.

### EXCURSION FROM RICHMOND

Tazewell Taylor, Jr., and Miss Susan Yearley Garrett to Draw Veil.

The monument commemorating the first General Assembly of this Commonwealth, erected by the Association for the Preservation of Virginia Antiquities, will be unveiled on Jamestown Island today with appropriate exercises, many members of the association taking part.

The association will run an excursion to the island by the steamer Brandon, which will leave the Old Dominion wharf at 7:30 o'clock this morning, returning this evening. The committee of arrangements is composed of Mrs. Alice M. Tyler, Mrs. J. B. Robinson and Miss Mamie B. Baughman, who expect a large crowd in attendance on the ceremonies.

The program of exercises will begin at 1:30 P. M., when the opening prayer will be delivered by J. R. Bowen, Bishop of Boise, Idaho. The principal address will be delivered by the Rt. Rev. Beverly D. Tucker.

Bishop Randolph, of the Diocese of Southern Virginia, will present the monument to the association, and Attorney-General W. A. Anderson will accept the monument.

Tazewell Taylor, Jr., grandson of the distinguished Virginian of that name, and Little Miss Susan Yearley Garrett, daughter of Dr. Van Garrett, of Williamsburg, Va., a direct descendant of Governor Yearley, will draw the veil.

The monument is situated near the tower of the old Jamestown Church, in which the first Virginia Assembly was held. It is a work of granite and marble, and forms a fitting tribute to the first convening of the august body which it commemorates. It is expected that large crowds will gather from Richmond, Norfolk, Williamsburg and the eastern section of the State.

SCAFFOLD BREAKS.

P. W. Jolly, of Fulton, Falls Twenty Feet, and Is Seriously Injured.

By the collapse of a scaffold on which he was working, P. W. Jolly, of No. 2313 Seventh Street, Fulton, was yesterday precipitated twenty feet to a group of men seriously injured. When the man was picked up it was found that his collar bone was broken and that he had suffered a bad scalp wound. He may be internally injured also.

Dr. Williams, of Fulton, and Dr. Strole, of the city ambulance corps, attended the injured man, and he was taken to his home in the ambulance wagon.

WILL NOT DISTURB CLOCK.

Council Committee Comes to Rescue of P. W. Jolly.

Having been summoned to Police Court to show cause why the "showcase" clock in front of his place of business, No. 912 East Main Street, should not be removed, the Jamke Jewelry establishment sent a petition to the Council on Streets last night asking for permission to keep the clock there. Several members were of the opinion that the committee had no such power, but it was decided to grant the petition.

Brief Items

Around Town

The following marriage licenses were issued yesterday:

Seth W. Griffith, 50 years old, and Eliza W. Miller, 51 years old, both of Brookville, Md.

Leola S. Detlock, 29 years old, of Atlanta, and Sarah Louise Scholer, 29 years old, of Richmond.

James H. Thomas, 50 years old, and Lillie D. Rogers, 21 years old, both of Richmond.

William Edell, 48 years old, of Baltimore, and Hannah Kauffman, 35 years old, of Richmond.

William and Carl Boschen qualified in the Chancery Court yesterday as executors of the estate of Herman Boschen, who died a week ago, having been administratrix of the estate.

Rev. Dr. C. S. Gardner, former pastor of Grace Street Baptist Church, accompanied by his nephew, Rev. E. L. Grace, is now at Madison Springs, N. Y., returning from his recent illness. His family for the present is located at No. 612 West Grace Street.

The Committee on Annexed Territory held a meeting last night and considered a number of matters of a routine character. The main discussion was on the subject of making improvements in Thirty-fourth Street and in Monument Avenue.

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